

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
|---|---|------------------------------|
| SECURITIES INVESTOR PROTECTION |) | |
| CORPORATION, |) | Adv. Pro. No. 08-01789 (CGM) |
| |) | |
| Plaintiff-Applicant, |) | SIPA Liquidation |
| v. |) | |
| |) | (Substantively Consolidated) |
| BERNARD L. MADOFF INVESTMENT |) | |
| SECURITIES LLC, |) | |
| |) | |
| Defendant. |) | |
| In re: |) | |
| |) | |
| BERNARD L. MADOFF, |) | |
| |) | |
| Debtor. |) | |
| |) | |
| IRVING H. PICARD, Trustee for the Substantively |) | |
| Consolidated SIPA Liquidation of Bernard L. |) | |
| Madoff Investment Securities LLC and the Estate |) | Adv. Pro. No. 11-02925 (CGM) |
| of Bernard L. Madoff, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | |
| CREDIT SUISSE AG; CREDIT SUISSE AG, |) | |
| NASSAU BRANCH; CREDIT SUISSE |) | |
| (LUXEMBOURG) SA; CREDIT SUISSE |) | |
| INTERNATIONAL; CREDIT SUISSE |) | |
| NOMINEES (GUERNSEY) LIMITED; CREDIT |) | |
| SUISSE LONDON NOMINEES LIMITED; AND |) | |
| CREDIT SUISSE (UK) LIMITED; |) | |
| |) | |
| Defendants. |) | |

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants Credit Suisse AG; Credit Suisse AG, Nassau Branch; Credit Suisse (Luxembourg) SA; Credit Suisse International; Credit Suisse Nominees (Guernsey) Limited; Credit Suisse

London Nominees Limited; and Credit Suisse (UK) Limited's (collectively, "Defendants") Motion to Dismiss, the Trustee's Complaint dated December 12, 2011, attached as Exhibit A, and all prior pleadings and proceedings herein, Defendants will move this Court for an order dismissing with prejudice the Complaint filed by Plaintiff Irving H. Picard (the "Trustee"), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-lll, and the substantively consolidated chapter 7 estate of Bernard L. Madoff, under Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, under Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: June 15, 2022
New York, New York

O'MELVENY & MYERS LLP

By: /s/ William J. Sushon

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Limited*